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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/898,451 | 07/05/2001 | Walter Simbirski | 46763-9 | 8125 |
| 7590 | 08/06/2004 | | EXAMINER | |
| BENNETT JONES LLP 4500 Bankers Hall East 855 - 2nd Street SW Calgary, AB T2P 4K7 CANADA | | | LELE, TANMAY S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | |
| | | | DATE MAILED: 08/06/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/898,451 | SIMBIRSKI, WALTER |
| | Examiner | Art Unit |
| | Tanmay S Lele | 2684 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 22 June 2001. It is noted, however, that applicant has not filed a certified copy of the 2,351,269 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (Moore, US Patent No. 4,251,865) in view of Perreault et al (Perreault, US. Patent No. 5,805,586).

Regarding claim 1, Moore teaches of a method for requesting data from a plurality of wireless modems (Figures 1 and 3 and column 3, lines 3 –9).

Moore does not specifically teach of comprising, when data is to be requested from a first modem, including in the request transmitted to said first modem data that is ready to be transmitted to a second modem, the transmission including an indication that said data is intended for said second modem (though it should be noted that Moore does teach of the transmission of buffered data subsequent to the polling sequence to specific units, as per Figure 3 and column 4, lines 54 – 58).

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In a related art dealing with data communications involving multiple units, Perreault teaches of comprising, when data is to be requested from a first modem, including in the request transmitted to said first modem data that is ready to be transmitted to a second modem, the transmission including an indication that said data is intended for said second modem (starting column 2, line 66 and ending column 3, line 13 and column 3, lines 39 –47 and Figure 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Moore's wireless modem system, Perreault's combined polling and access system, for the purposes of efficiently accessing and utilizing the channel when multiple units are sharing a link, as taught by Perreault.

Regarding claim 2, Moore teaches of a data transmission sent to request data from one of a plurality of wireless modems (Figures 1 and 3 and column 3, lines 3 –9), comprising: identification of a first wireless modem (Figures 1 and 4 and column 3, lines 62 –64); and identification of said second wireless modem (Figure 2 and column 4, lines 1 –6).

Moore does not specifically teach of data destined for a second wireless modem; and whereby said data may be sent to said second wireless modem simultaneously with said request for data from said first wireless modem (though it should be noted that Moore does teach of the transmission of buffered data subsequent to the polling sequence to specific units, as per Figure 3 and column 4, lines 54 – 58).

In a related art dealing with data communications involving multiple units, Perreault teaches of data destined for a second wireless modem (starting column 2, line 66 and ending column 3, line 6 and column 3, lines 39 –47 and Figure 3 and column 3, lines 55 –61); and identification of said second wireless modem, whereby said data may be sent to said second

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wireless modem simultaneously with said request for data from said first wireless modem (starting column 2, line 66 and ending column 3, line 13 and column 3, lines 39 –47 and Figure 3 and column 3, lines 55 –64).

It would have been obvious to one skilled in the art at the time of invention to have included into Moore's wireless modem system, Perreault's combined polling and access system, for the purposes of efficiently accessing and utilizing the channel when multiple units are sharing a link, as taught by Perreault.

Regarding claim 3, Moore teaches of a wireless communication system (Figure 1 and column 3, lines 3 –9), comprising: a base station; (Figure 1 and column 3, lines 3 –9) and a plurality of wireless modems (Figures 1 – 3 and column 3, lines 3 –9), wherein said base station is configured to send a transmission to said plurality of wireless modems (Figures 1 and 3 and column 4, lines 17 –24), said transmission including identification of a first wireless modem (Figures 2 – 4 and column 3, lines 62 –64), a data payload destined for a second wireless modem (Figure 3 and column 3, lines 50 –55 and column 4, lines 54 –58), and identification of said second wireless modem (Figures 2 – 4 and column 4, lines 1 –6), and wherein said first wireless modem is configured to respond with a transmission indicating whether it has data to transmit to said base station (column 2, lines 12 –18).

Moore does not specifically teach of said second wireless modem is configured to process said data payload or retransmit it (tough does teach that surplus messages are sent which do not require immediate response in column 4, lines 54 –58).

In a related art dealing with data communications involving multiple units, Perreault teaches of said second wireless modem is configured to process said data payload or retransmit it

(column 3, lines 13 – 18); and additionally of said transmission including identification of a first wireless modem (starting column 2, line 66 and ending column 3, line 13), a data payload destined for a second wireless modem (starting column 2, line 66 and ending column 3, line 13 and Figure 3 and column 3, lines 55 –62), and identification of said second wireless modem (starting column 2, line 66 and ending column 3, line 13), and wherein said first wireless modem is configured to respond with a transmission indicating whether it has data to transmit to said base station (column 3, lines 13 –19 and column 3, lines 47 –54).

It would have been obvious to one skilled in the art at the time of invention to have included into Moore's wireless modem system, Perreault's combined polling and access system, for the purposes of efficiently accessing and utilizing the channel when multiple units are sharing a link, as taught by Perreault.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

✓

Tanmay S Lele
Examiner
Art Unit 2684

tsl
July 23, 2004

NAY MAUNG

SUPERVISORY PATENT EXAMINER